

DDA Registry
File *Personnel*

OGC Has Reviewed

DDA 76-3744

27 July 1976

STATINTL

MEMORANDUM FOR: [REDACTED]
Assistant to the DDCI

STATINTL

FROM [REDACTED]
Executive Officer, DDA

SUBJECT : White House Fellows

Frank:

1. Regarding your note on the papers relative to the White House Fellows, I should like to point out that there is certainly no problem with soliciting Mr. Knoche's vote. In this case, it was Ben Evans who contacted us directly for the information on White House Fellows so that he could respond to the caller immediately. At his request, this was handled directly with him and Mr. Bush.

2. As I have mentioned several times before, there is no concern on our part toward including the DDCI in our correspondence, but I think that it is more a matter for you to handle among "the front office" staff.

STATINTL

Distribution:

Orig - Addressee
1 - ER

① - DDA Subject
1 - DDA Chrono
1 - RFZ Chrono

STATINTL

EO/DD [REDACTED] m (27 July 1976)

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Approved For Release 2002/05/20 : CIA-RDP80-00473A000400100008-3
ROUTING AND RECORD SHEET

SUBJECT: (Optional)

White House Fellows

Executive Registry

76-2825

FROM: Associate Deputy Director for Administration

EXTENSION

NO.

DATE

21 July 1976

STATOTHR

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

1. Executive Secretary

21 July 23 July 1976

Ben:

It should be explained to the Director that, except as stated by OGC, the Agency does not have a policy regarding White House Fellows but we see nothing wrong in accepting qualified and security-cleared persons for a tour in the Agency. Unfortunately, the time frame within which we have been asked to act in

case precludes us from canvassing the Agency for a suitable assignment and running him through the normal security clearance procedures. STATINTL

Mr. Hasenkamp should be advised that we would be pleased to take part in the program on a selective basis with the understanding that the participant is subject to our clearance procedures just as any Agency employee would be. STATINTL

Michael J. Malanick

Att: DDA 76-3589 - 22 JUL 1976

Executive Registry

76-2825

To 345: Briefed DCI
referred to Hasenkamp
thrust of attached
& re referred to
regarding mid-
Sept. STATINTL

1- DDA Subj.

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DDA Registry
File Personnel

White House Fellows

STATINTL Associate Deputy Director for
Administration

[Redacted]

[Redacted]

21 July 1976

STATOTHR

STATINTL

Executive Secretary

[Redacted]

Ben:

STATINTL

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15/ Mike

Michael J. Malanick

Att: DDA 76-3589

ADDA:MJMalanick:kmg (21 Jul 76)

Distribution:

Orig - Adse w/O&2 of Att

1 - DDA Subject w/cy of Att

1 - DDA Chrono

1 - MJM Chrono

1 - D/Pers (FYI)

Att: Memo dtd 20 Jul 76 to DCI via DDA fr D/Pers, subj: White House Fellows

20 JUL 1976

DD/A Registry
76-3589

MEMORANDUM FOR: Director of Central Intelligence

FROM : F. W. M. Janney
Director of Personnel

VIA : Deputy Director for Administration

SUBJECT : White House Fellows

1. Regarding your phone conversation with Mr. Bruce Hasenkamp, there is no doubt that White House Fellows are extremely bright and capable of thorough, substantive work. Almost 41,000 people requested application for this year's class. Of these, 2,864 actually applied. Only seventeen (17) were finally selected.

2. A question arose about whether the Agency is precluded from participating in the program because the Executive Order establishing the program states:

White House Fellows will be appointed to serve 12 months on the White House staff, in the Executive Office of the President, in the Office of the Vice President, or in the office of members of the Cabinet . . .

OGC has advised us that "although the weight of authority suggests that the Agency is not in the Executive Office of the President, there is evidence that White House Fellows could still be assigned to the Agency." (OGC Memorandum for the Record attached.)

3. The Agency cannot nominate employees to be considered for the program. Presidential Documents, dated 24 May 1976, states: "Employees of the Federal Government are not eligible, with the exception of career Armed Forces personnel."

4. Mr. Hasenkamp has now referred the papers of an individual who is interested in serving as a Fellow with the Agency for one year beginning 1 September. I recommend that we not accept the individual because:

a. His interests and experience are associated with real estate development and management. Fellows

are normally assigned as special assistants to policy makers. We can think of no such position which would make use of his background.

b. Clearances normally take about three months, meaning he would not be cleared until after his 1 September availability.

c. There is the risk that he might not be cleared. This would require the White House to seek an assignment in another Agency, and possibly create embarrassment for CIA.

5. We might suggest that if in future years a White House Fellow is interested in the Agency, that this be made known to us immediately. (The selections were announced on 24 May.) This would give us sufficient time to find an appropriate assignment and clear the Fellow.

(Signed) F. W. M. Janney

F. W. M. Janney

Distribution:

Orig - DCI
1 - DDCI
1 - ER
1 - DDA
1 - D/Pers
1 - DD/Pers/R&P

STATINTL

DD/Pers/R&P/SP

144

(19 Jul 76)

STATOTHR

16 July 1976

MEMORANDUM FOR THE RECORD

SUBJECT: Whether the Agency is Included in the Executive Office of the President and Whether a White House Fellow May Be Assigned to the Agency

1. The question is whether the Central Intelligence Agency is deemed to be within the Executive Office of the President in order to permit assignment of White House Fellows to the Agency pursuant to Executive Order 11183, section 3, which permits assignments "in the White House staff, in the Executive Office of the President, in the Office of the Vice President, or in the offices of members of the Cabinet." Although the weight of authority suggests that the Agency is not in the Executive Office of the President, there is evidence that White House Fellow could still be assigned to the Agency.

2. The official handbook of the Federal Government is the United States Government Manual, published by the Office of the Federal Register, the National Archives and Records Service, and the General Services Administration. The 1975/1976 edition lists the Central Intelligence Agency within the Executive Office of the President. The 1976 Official Congressional Directory, compiled under the direction of the Joint Committee on Printing, also lists the Central Intelligence Agency within the Executive Office. Neither of these two publications lists the CIA as an independent department or agency. Although it should not be suggested that such determinations are legally binding, they offer some support for inclusion.

3. There is further support for the arguments that the Agency is within the Executive Office. A note to 3 U.S.C.A. §101 states:

Executive Office of the President. "The statement on Organization and Functions of the Executive Office of the President, 14 F.R. 7856, as amended 17 F.R. 6204; 18 F.R. 5668, provides:

Section I. Divisions of the Executive Office of the President. The Executive Office of the President consists of the divisions listed below.

* * *

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The National Security Council advises the President with respect to the integration of domestic, foreign, and military policies relating to the national security. The Central Intelligence Agency is under the Council's direction. [Emphasis added]

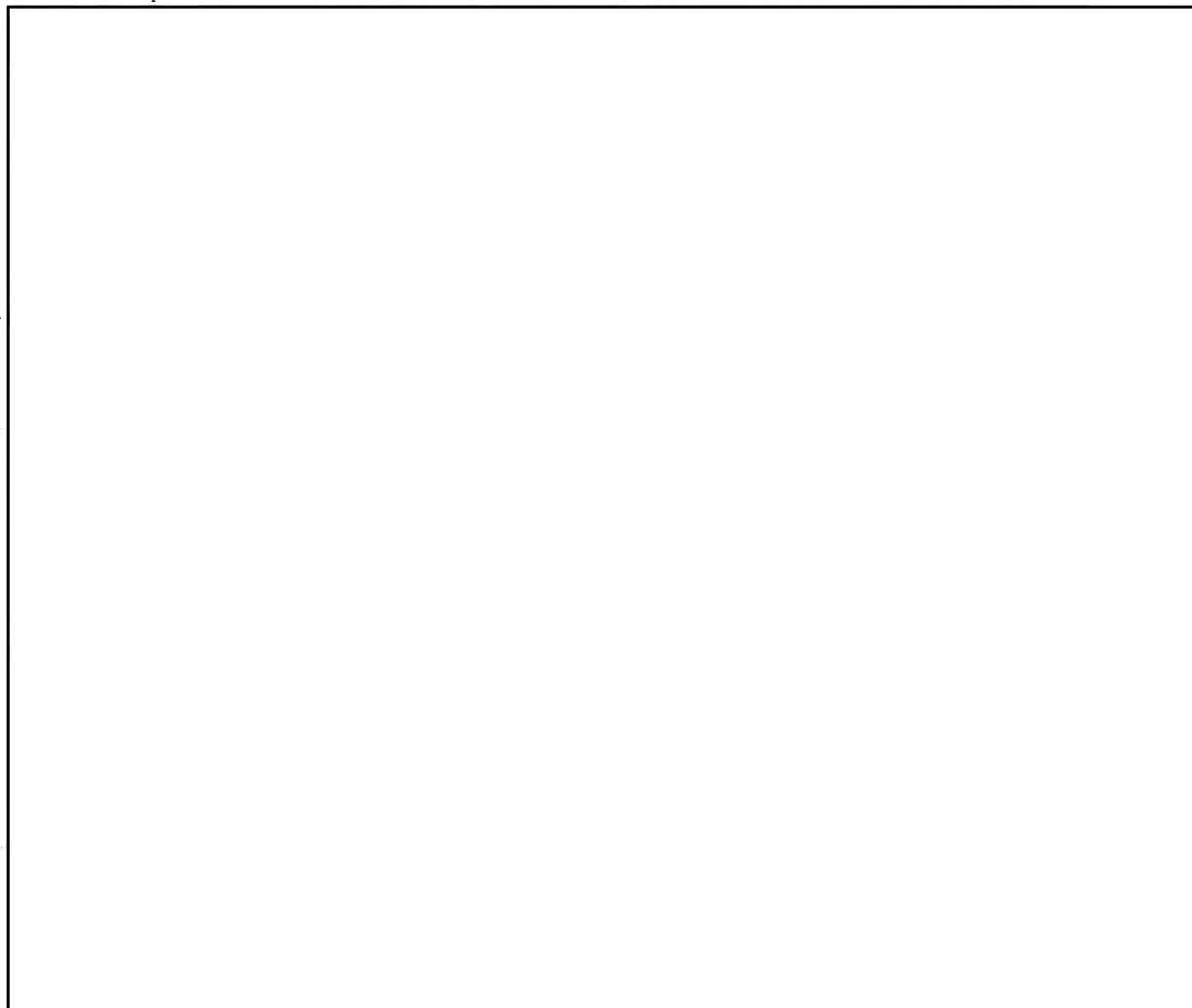
Although it is not specifically stated that the Agency is within the Executive Office, the pertinent language could lead one to conclude that, because it is under the direction of the National Security Council, it is. However, this would be an incorrect presumption.

4. Reorganization Plan No. 4 of 1949, 3 CFR, 1949-1953 Comp., p. 1000, provided:

The National Security Council and the National Security Resources Board, together with their respective functions, records, property, personnel, and unexpended balances of appropriations, allocations, and other funds (available or to be made available), are hereby transferred to the Executive Office of the President. [Emphasis added]

This is the authority for including the National Security Council within that Office, but it leaves open the question of Agency inclusion. Absence of specific language suggests that the Agency was not also transferred, but language regarding transfer of National Security Council functions could intend a transfer of the Agency also. The language of the Plan itself, therefore, offers no definitive answer to whether the Agency lies within the Executive Office, although the weightier argument would be that it does not.

5. Further support for Agency inclusion might be found in the index to the Code of Federal Regulations. In 3 CFR, 1943-1948 Comp., p. 1190, the index listing under Executive Office of the President does not contain any reference to the Central Intelligence Agency or the National Security Council. The next compilation, 3 CFR, 1949-1953 Comp., p. 1163 cites as cross reference both the Agency and the National Security Council. It may be inferred that this inclusion was a direct result of Reorganization Plan No. 4 of 1949, and that the Agency was deemed to have been transferred to the Executive Office with the National Security Council; however, that the compiler viewed the situation in a particular manner for reference purposes would not be legally binding. The Reorganization Plan by itself is inconclusive unless it can be shown that the Agency is part of the National Security Council.



It is evident that the functions of the Council are those of a staff agency, whereas those of the Central Intelligence Agency are not.

7. This distinction is important because of the Message of the President transmitting to Congress Reorganization Plan No. 4 of 1949, which transferred the National Security Council to the Executive Office of the President. President Truman emphasized that because Congress recognized the President's need for more adequate central staff, it created the National Security Council and the National Security Resources Board.

Within their respective fields these agencies assist the President in developing plans and policies which extend beyond the responsibility of any single department of the Government.

* * *

...the principal purpose of the National Security Council... is to advise and assist the President... The importance of this transfer was recognized by the Commission on Organization of the Executive Branch of the Government, which specifically recommended such a change as one of the essential steps in strengthening the staff facilities of the President and improving the over-all management of the executive branch. 5 U.S.C.A. Appendix, page 223, 224.

STATOTHR The functions of the Agency are inconsistent with the nature of those required by the President from his Executive Office members; therefore, that the Agency is under the direction of the National Security Council, which reports to the President, would not in itself determine the Agency's status. STATOTHR

8. An argument against Agency inclusion within the Executive Office comes from appropriation measures taken by Congress. For example, the Executive Office Appropriations Act of 1976, Public Law 94-91, Title III, provides for appropriations to the National Security Council, but not to the Agency, which has its own funds. Furthermore, that Act provides for operating expenses for the Official Residence of the Vice President. This appears inconsistent with the Congressional Directory, supra, which places the Office of the Vice President outside the Executive Office, thus casting doubt upon the accuracy of that "official" publication. In any event appropriations for the Agency separate from those for the National Security Council strongly suggest independent status for the Agency.

10. In summary, there are several factors which might lead one to conclude that the Agency is included in the Executive Office. Government publications indicate this to be the case, while statutes and executive directive place the Agency under the direction of the National Security Council, which is within the Executive Office. The mere statement that the National Security Council is in the Executive Office, and that the Agency is "under" it, strongly suggests that its mention in that provision was more than casual.

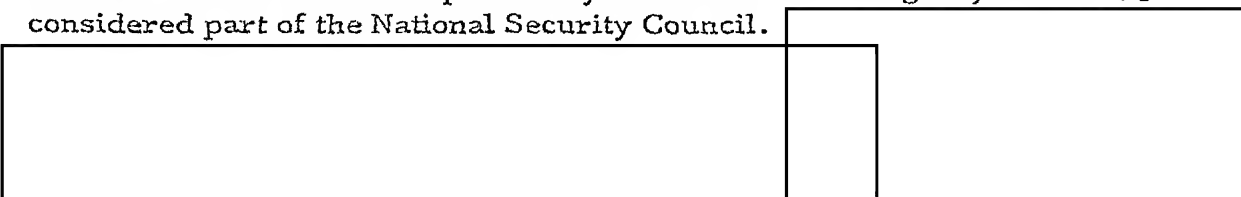
On the other hand, the government publications, including the Code of Federal Regulations index, are not legally binding, but provide mere evidence in support of the proposition. Absence of specific language placing the Agency within the Executive Office, and the realization that the Agency is an entity created and existing distinct from the National Security Council in its organization and activities strongly indicate that the Agency is not within

the Executive Office of the President. Their functions are policy and management oriented, and provide for central staff guidance to the President.

Also, the members of the Executive Office, including the White House Office, the Office of Management and Budget, Council of Economic Advisers, and the National Security Council, are financed independently from the Agency, but of course Agency expenditures would have to be hidden anyway. More important, there is no authority, statute, executive direction, or reorganization plan which specifically relegates the Central Intelligence Agency to the Executive Office or which specifically indicates that the Agency should be considered part of the National Security Council.

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11. In conclusion, the weight of authority is that the Agency is not included in the Executive Office of the President, although the National Security Council is. However, there is so much ambiguity about what actually comprises the Executive Office, that a policy decision might be made to permit assignment of a White House Fellow to the Agency, thus, in effect, regarding the Agency as within the Executive Office for this limited purpose. The government publications provide some basis for this. However, the most significant factor seems to be found in Executive Order 11183, establishing the President's Commission on White House Fellowships. That order, quoted above, appears to differentiate between the Executive Office of the President and the White House staff. Each authority discussed above includes within the Executive Office the White House Office, "comprised of the officers and employees of the staff of the President," 3 U.S.C.A. §101. That the Executive Order necessitating interpretation of the Agency's status should be unclear about what is included in the Executive Office suggests that the distinctions in this context are not crucial. Since so many forces appear willing to place the Agency within the Executive Office, there would seem to be no harm, for this limited purpose only and if this is the desired result, in permitting assignment of a White House Fellow to the Agency. However, the major consideration against this interpretation lies in its inconsistency.

Section 4 of the Order provides that each executive agency "shall extend fullest cooperation to the White House Fellows Program and attempt to maximize the Program's benefits to the individual Fellow, the Department or Agency, and the Federal Government." This provision does not indicate the extent of such cooperation, but presumably would not permit appointments prohibited elsewhere. Nevertheless there could arguably be room for accepting the

White House Fellow under this provision, regardless of whether the Agency is within the Executive Office.

Finally, a call to the President's Commission on White House Fellowships revealed that this past year Fellows have been assigned to, among others, the Agency for International Development (AID) and the Federal Energy Administration (FEA), neither of which would technically fall within section 3 of the Executive Order. Thus, while the Agency does not fall within the Executive Office of the President, it is still a toss-up as to where a White House Fellow may be assigned. STATINTL



Office of General Counsel

DIRECTOR OF CENTRAL INTELLIGENCE

Executive Registry

76-2825

8 July 1976

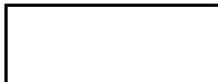
76-1928

NOTE TO: Ben Evans

I received a call from Bruce Hasenkamp, head of the White House Fellows, wondering whether we could use a White House Fellow at CIA. They have had a request from an able, business-oriented Fellow to be at CIA.

Have we ever had an application before? Do we have any established policy on this? Normally the White House Fellows are extremely bright and do thorough, substantive work.

Please advise.



George Bush

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